

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 59th LEGISLATURE - REGULAR SESSION

JOINT APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Call to Order: By **CHAIRMAN CHRISTINE KAUFMANN**, on January 21, 2005 at 5 P.M., in Room 102 Capitol.

ROLL CALL

Members Present:

Rep. Christine Kaufmann, Chairman (D)
Sen. Dan Weinberg, Vice Chairman (D)
Sen. John Cobb (R)
Rep. Joey Jayne (D)
Sen. Greg Lind (D)
Rep. Penny Morgan (R)

Members Excused: Rep. Walter McNutt (R)

Members Absent: None.

Staff Present: Pat Gervais, Legislative Branch
Laura Good, Committee Secretary
Lois Steinbeck, Legislative Branch

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Executive Action: Disability Services Division,
Decision Packages 135, 92, 109, 59,
3003, 3013, 25, 31, 40, 47, 52, 64,
9999, 39, 83, 149, 168.

CHAIR REP. CHRISTINE KAUFMANN, HD 81, HELENA, convened the meeting at 5 P.M.

**Disability Services Division (DSD) DP 135 - Disability
Determination Services Base Adjustment**

Motion/Vote: REP. MORGAN moved that DSD DP 135 BE ADOPTED.
Motion carried unanimously by voice vote. REP. WALTER MCNUTT
voted via proxy.

**DSD DP 92 - Montana Telecommunications Access Program (MTAP)
program increase for expansion in use of CapTel phones**

Ms. Gervais directed the committee members to DP information on
Pages B-139 and B-140 in the Budget Analysis.

Motion: REP. MORGAN moved that DSD DP 92 BE ADOPTED.

Discussion:

{Tape: 1; Side: A; Approx. Time Counter: 6.7}

SEN. DAN WEINBERG, SD 2, WHITEFISH, requested a breakdown of
specific costs within DP 92's proposed increases.

Ms. Sheri Vukasin, DPHHS Budget Analyst, provided this
information to **SEN. WEINBERG** and the committee.

Substitute Motion: REP. JAYNE made a substitute motion that DSD
DP 92, BE RESTRICTED IN USE TO MTAP PROGRAM, BE ADOPTED.

Mr. Joe Matthews, Administrator, DSD, stated that the Division
had no objections to this motion.

Vote: Motion carried unanimously by voice vote. REP. MCNUTT
voted by proxy.

Motion: REP. MORGAN moved that THE COMMITTEE ADD \$624,805 I-149
FUNDS TO MTAP, IN ORDER TO INCREASED DISTRIBUTION BY 400 UNITS
EACH MONTH.

{Tape: 1; Side: A; Approx. Time Counter: 13.3}

Discussion:

CHAIR KAUFMANN resisted the motion, preferring to consider all I-149 funding proposals as a whole.

REP. MORGAN expressed her interest in pursuing the current motion.

{Tape: 1; Side: A; Approx. Time Counter: 16.3}

Responding to questions from the committee, **Ms. Gervais** stated that the maximum number of phones per month that MTAP could distribute would be 400. The cost of phones, distribution, and additional relay services would come to approximately \$290,000 in Fiscal Year (FY) 2006, and approximately \$345,000 in Fiscal Year (FY) 2007, for a total biennial cost \$625,000.

Ms. Vukasin offered more specific details regarding MTAP's service capacities and costs.

Mr. Matthews confirmed for **REP. JAYNE** that MTAP did not make a request for funding specifically regarding 400 telephones. Rather, this matter grew out of Division discussions with **REP. MORGAN**.

Vote: Motion failed 2-5 by voice vote with **REP. MCNUTT** and **REP. MORGAN** voting aye. **REP. MCNUTT** voted by proxy.

DP 109 - \$100,000 MTAP Program Decrease (regarding public relations contract)

Motion/Vote: **REP. KAUFMANN** moved that DSD DP 109 BE ADOPTED. Motion carried unanimously by voice vote. **REP. MCNUTT** voted by proxy.

{Tape: 1; Side: A; Approx. Time Counter: 24.3}

DSD DP 59 - Tuition Increases for Vocational Rehabilitation Program

Ms. Gervais provided the committee with an update of the tables on Page B-139 of the Budget Analysis.

EXHIBIT(jhh16b01)

Prompted by **REP. MORGAN**, **Mr. Matthews** stated that he is not sure if Vocational Rehabilitation consumers qualify for Governor Schweitzer's new need-based scholarships. He explained that if an

individual qualifies for a scholarship, the scholarship monies would go directly to the individual without routing through the Vocational Rehabilitation program. He noted that the individual would still be eligible for Vocational Rehabilitation ancillary services.

{Tape: 1; Side: B}

Ms. Gervais enumerated the committee's options.

At the request of **SEN. COBB, Mr. Chappuis** discussed the effect of inflation on tuition increases, as well as the department's rationale for the DP 59 budget request.

Motion/Vote: **SEN. COBB** moved that DSD DP 59 BE ADOPTED. Motion carried unanimously by voice vote. **REP. MCNUTT** voted by proxy.

DSD DP 3003 - Independent Living, Part B

DSD DP 3013 - Extended Employment

Motion/Vote: **SEN. COBB** moved that DSD DP 3003 AND DP 3013 BE ADOPTED. Motion carried unanimously by voice vote. **REP. MCNUTT** voted by proxy.

{Tape: 1; Side: B; Approx. Time Counter: 12.6}

Motion: **REP. MORGAN** moved that THE COMMITTEE APPROPRIATE \$845,000 FOR THE BIENNIUM FOR EXTENDED EMPLOYMENT, DRAWING THE FUNDS FROM THE DEPARTMENT OF LABOR EMPLOYMENT SECURITY ACCOUNT (ESA) .

Discussion:

REP. MORGAN provided a rationale for her motion.

Ms. Gervais offered Legislative Fiscal Division (LFD) information regarding the motion.

Replying to **SEN. COBB, Mr. Matthews** stated that if approved, this motion would help the division serve wait-listed clients.

SEN. COBB averred that a "turf-fight" will ensue regarding ESA funds, which are also in the sights of several other appropriation subcommittees.

Responding to **REP. JAYNE, Mr. Matthews** discussed why the division has not previously sought ESA funds.

Ms. Gervais provided information regarding ESA funds use precedents and applicable statutes.

{Tape: 1; Side: B; Approx. Time Counter: 23.7}

Replying to **SEN. LIND**, **Ms. Gervais** discussed possible courses of action, in the event that the committee passes the motion but loses the ESA "turf-fight" on the floor.

Vote: Motion carried unanimously by voice vote. **REP. MCNUTT** voted by proxy.

{Tape: 1; Side: B; Approx. Time Counter: 25.5}

Motion: **REP. MORGAN** moved that THE COMMITTEE APPROPRIATE \$100,000 PER YEAR, \$200,0000 OVER THE BIENNIUM, FOR INDEPENDENT LIVING, DRAWING THE FUNDS FROM THE DEPARTMENT OF LABOR EMPLOYMENT SECURITY ACCOUNT (ESA).

Discussion:

REP. MORGAN provided a rationale for her motion.

Ms. June Hermanson, Montanans with Disabilities for Equal Access, stated before the committee that the Independent Living Program has not received an appropriations increase since 1991.

Vote: Motion carried unanimously by voice vote. **REP. MCNUTT** voted by proxy.

REP. MORGAN suggested that the committee consider as policy permanently slating these programs for ESA funding.

{Tape: 1; Side: B; Approx. Time Counter: 28.8 - 29}

Ms. Gervais told the committee that Section 5 of HB 159, carried by **REP. JOE MCKENNEY, HD 18, GREAT FALLS**, deals with ESA usage.

Ms. Gervais reminded members that during public testimony, the committee received a request to consider funding a staff position for computer technician that would be available to provide software training and help for the blind.

{Tape: 2; Side: A}

Mr. Dan Burke, First Vice President, Montana Association for the Blind, discussed the computer technician request.

SEN. LIND requested a more concrete implementation plan from the Department and asked committee staff to bring the issue up for a later vote.

**DSD DP 25 - Federal Medical Assistance Percentage (FMAP)
Enhancement Adjustment**

DSD DP 31 - FMAP Adjustment - Developmental Disabilities

{Tape: 2; Side: A; Approx. Time Counter: 4.6}

Motion/Vote: REP. MORGAN moved that DSD DP 25 AND DSD DP 31 BE ADOPTED. Motion carried unanimously by voice vote. REP. MCNUTT voted by proxy.

DSD DP 40 - Closure of Eastmont Human Services Center

Motion: SEN. LIND moved that DSD DP 40 BE ADOPTED.

Discussion:

At REP. MORGAN's request, Ms. Gervais discussed financial ramifications of the Eastmont closure.

Vote: Motion carried unanimously by voice vote. REP. MCNUTT voted by proxy.

DSD DP 47 - Montana Developmental Center Base Adjustments

{Tape: 2; Side: A; Approx. Time Counter: 7.3}

Mr. Jeff Sturm, Program Director, DSD, offered division comments on the LFD issue regarding use of overtime at Montana Development Center (MDC).

Motion: SEN. COBB moved that DSD DP 47, WITH REPORTING REQUIREMENT, BE ADOPTED.

Discussion:

Responding to CHAIR KAUFMANN, Mr. Matthews stated that it would be very helpful to the division if the committee would decrease the vacancy savings requirement.

Vote: Motion carried unanimously by voice vote. REP. MCNUTT voted by proxy.

DSD DP 52 - Rent Increases

Motion: REP. MORGAN moved that DSD DP 52 BE ADOPTED.

{Tape: 2; Side: A; Approx. Time Counter: 11.8 - 12}

Discussion:

At the request of SEN. LIND, Ms. Gervais and Mr. Matthews clarified the terms of the DP, and offered background information.

Vote: Motion carried unanimously by voice vote. REP. MCNUTT voted by proxy.

DSD DP 64 - MDC Replacement Equipment

Responding to REP. MORGAN, Mr. Sturm stated that the Division would look at leasing vehicles rather than purchasing them.

Motion/Vote: SEN. COBB moved that DSD DP 64 BE ADOPTED. Motion carried unanimously by voice vote.

{Tape: 2; Side: A; Approx. Time Counter: 16.8}

DSD DP 9999 - Statewide FTE reduction

Prompted by CHAIR KAUFMANN, Mr. Chappuis stated that the Department would deal with DSD FTE reduction by shifting FTE reductions into other areas within DPHHS.

Motion/Vote: SEN. COBB moved that DSD DP 9999 BE ADOPTED. Motion carried 6-1 by voice vote with REP. KAUFMANN voting no. REP. MCNUTT voted by proxy.

DSD DP 39 - Movement to the Community

Ms. Gervais provided an extensive overview of this DP and referred the committee to Page B-142 in the Budget Analysis for more information.

Responding to REP. MORGAN's question about creating crisis centers able to serve both developmentally disabled and mentally ill individuals, Mr. Sturm stated that DSD is currently considering such a setup at a Bozeman facility.

SEN. COBB, Mr. Sturm and Ms. Gervais discussed funding details regarding DSD DP 39.

{Tape: 2; Side: B}

Prompted by **SEN. WEINBERG, Mr. Sturm** told the committee about how DSD handles crisis cases.

SEN. COBB and **Mr. Matthews** discussed DPHHS' preferences regarding funding stipulations.

{Tape: 2; Side: B; Approx. Time Counter: 1.4}

Mr. Matthews stressed the importance of medically intensive group homes which often accrue significant costs.

Motion: **SEN. COBB** moved that DSD DP 39 BE ADOPTED, WITH CONTRACTED CASE MANAGER; NEW MONEY FOR CRISIS FUNDS AND BIENNIAL, RESTRICTED, ONE-TIME-ONLY (OTO) APPROPRIATIONS FOR TRAINING FUNDS, CRISIS FUNDS AND START-UP FUNDS; FOLLOW-UP LANGUAGE TO BE DRAFTED BY STAFF AND APPROVED BY COMMITTEE; AND STIPULATION THAT STATE SUPPLEMENT COST IS TO BE ABSORBED BY THE DISABILITY SERVICES DIVISION.

Discussion:

SEN. LIND asked who will pay for related staffing.

{Tape: 2; Side: B; Approx. Time Counter: 7.7 - 8}

Vote: Motion carried unanimously by voice vote. **REP. MCNUTT** voted by proxy.

{Tape: 2; Side: B; Approx. Time Counter: 10.5}

DSD DP 83 - Wait-List Reduction

Responding to **REP. MORGAN, Mr. Sturm** stated that this DP was calculated in order to serve 15 persons at \$75,000 per person. He also offered other possible expenditure and service combinations, and went on to report that 450 persons on the wait list are receiving no services, while 700 persons on the wait list are receiving partial services.

Mr. Sturm also stated that DSD always tries to move money towards wait-listed individuals who are receiving no services.

Prompted by **SEN. WEINBERG, Mr. Sturm** elaborated on the rationale behind DSD DP 83 and its calculation.

{Tape: 2; Side: B; Approx. Time Counter: 14.6}

Motion: **SEN. WEINBERG** moved that DSD DP 83, RESTRICTED TO WAIT LIST, WITH REPORTING LANGUAGE, BE ADOPTED.

Discussion:

At the request of **CHAIR KAUFMANN, Mr. Matthews** commented on the restriction and reporting language portions of the motion.

{Tape: 2; Side: B; Approx. Time Counter: 15.5}

Responding to **CHAIR KAUFMANN's** follow-up question regarding the possibility of a waiver to provide limited services and head off a potential problem with the Center for Medicare and Medicaid Studies (CMS), **Mr. Matthews** discussed the Community Supports Waiver. This waiver, which brings people into Medicaid services, is capped at \$7,800.

Mr. Matthews discussed the possibility of creating new capped waivers for different population groups, and offered to provide research on this area for the committee members.

Vote: Motion carried unanimously by voice vote. **REP. MCNUTT** voted by proxy.

{Tape: 2; Side: B; Approx. Time Counter: 18}

DSD DP 149 - DSD Program - Federal Authority

Ms. Gervais suggested that the committee associate this funding with the Director's Office policy unit, rather than with the specific division.

Motion: **SEN. LIND** moved that DSD DP 149, ATTACHED TO THE DIRECTOR'S OFFICE RATHER THAN DSD, AND WITH REPORTING REQUIREMENT TO BE DRAFTED BY STAFF AND APPROVED BY COMMITTEE, BE ADOPTED.

Discussion:

The committee and staff discussed the ramifications of the reporting requirement.

Vote: Motion carried unanimously by voice vote. **REP. MCNUTT** voted by proxy.

{Tape: 2; Side: B; Approx. Time Counter: 21.1}

DSD DP 168 - Bed Tax Funding

Motion/Vote: REP. MORGAN moved that DSD DP 168, RESTRICTED BE ADOPTED. Motion carried unanimously by voice vote. REP. MCNUTT voted by proxy.

Ms. Gervais discussed the DPHHS request for inclusion of specific language in HB 2 regarding the Travis D. lawsuit settlement.

Mr. Chappuis stated that the Department makes this request in order to let the language stand as a point of record.

Ms. Gervais suggested that the language be included in the LFD Fiscal Report, and included in the narrative that accompanies the bill.

{Tape: 3; Side: A}

Ms. Gervais discussed funding and programs related to Part C Services.

ADJOURNMENT

Adjournment: 7 P.M.

REP. CHRISTINE KAUFMANN, Chairman

LAURA GOOD, Secretary

CK/LG

Additional Exhibits:

EXHIBIT ([jhh16bad0.PDF](#))